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April 21, 2025

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VIA ECF

Hon. Ona T. Wang
 U.S. District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007-1312

Re: *In re OpenAI, Inc. Copyright Infringement Litigation*, No. 1:25-md-03143-SHS-OTW

Dear Magistrate Judge Wang:

In light of Plaintiff The New York Times's April 15, 2025 motion for leave to file a second amended complaint (*New York Times*, No. 1:23-cv-11195-SHS-OTW, ECF 524), OpenAI respectfully requests that the Court extend the current deadline for OpenAI to respond to The Times's August 12, 2024 First Amended Complaint (currently set on April 29, 2025) until 21 days after the Court rules on The Times's motion for leave. The Times opposes OpenAI's request, arguing that the Court has already granted one extension and that OpenAI has no reason to seek a further extension. But requiring OpenAI to respond to The Times's current complaint before the Court decides the pending motion for leave to file a new complaint could lead to duplication, inefficiency, and waste.

The Court granted in part and denied in part OpenAI's motions to dismiss The Times's First Amended Complaint on March 26, 2025. (*New York Times*, ECF 485.) This set OpenAI's deadline to respond to the operative complaint for April 9, 2025. See Fed R. Civ. P. 12(a)(4)(A). But in the intervening time, on April 3, 2025, the Judicial Panel on Multidistrict Litigation issued a transfer order centralizing twelve cases in this Court to, among other things, "conserve the resources of the parties, their counsel, and the judiciary" and "ensure overall economies." (MDL No. 3143, Dkt. No. 85 at 2-3 (explaining that "[o]pportunities abound for the transferee judge to redirect the parties onto a more efficient path").) The next day, on April 4, 2025, OpenAI sought an extension of time to respond to the complaints in the News Cases (*New York Times*, ECF 515) given the pending coordination or consolidation in the MDL. On April 7, 2025, the Court granted OpenAI's motion, extending the time to respond to April 29, 2025 "without prejudice to further extensions." (ECF 519.) On April

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15, 2025, The Times filed a motion for leave to file a second amended complaint. (ECF 524.)

The present requested extension serves the interests of efficiency and the conservation of resources. Without an extension, OpenAI may be required to respond to a moot complaint and file multiple answers. If the Court grants The Times's motion for leave after the current April 29, 2025 deadline for OpenAI to respond, or otherwise orders coordination or consolidation of pleadings among plaintiffs after April 29, 2025, OpenAI may be obligated to respond to The Times's First Amended Complaint, The Times's potential second amended complaint, and any potential coordinated or consolidated pleading(s) the Court deems appropriate. This is exactly the kind of wasteful, duplicative, and costly litigation this multidistrict litigation was initiated to avoid. *See* 28 U.S.C. § 1407(a) (providing that multidistrict litigation exists to "promote the just and *efficient* conduct of such actions") (emphasis added). For this reason, OpenAI requests that the Court extend the deadline to respond to The Times's operative complaint until 21 days after the Court decides The Times's motion for leave to file a second amended complaint.

We appreciate the Court's time and attention to this request.

Respectfully Submitted,

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LLP*

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